

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**GENESIS HILL,**

**Petitioner,**

**v.**

**BETTY MITCHELL, Warden,**

**Case No. 1:98-cv-452  
JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Terence P. Kemp**

**Respondent.**

**OPINION AND ORDER**

Petitioner, a prisoner sentenced to death by the State of Ohio, has pending before this Court a habeas corpus action pursuant to 28 U.S.C. §2254. This matter is before the Court upon Petitioner's notice of triggering event and unopposed motion for extension of time to file the Traverse. (Doc. # 184.)

On April 6, 2009, this Court issued an *Opinion and Order* holding that if the United States Supreme Court denied an appeal from the Sixth Circuit's *en banc* decision in *Garner v. Mitchell*, 557 F.3d 257 (6<sup>th</sup> Cir. 2009), the stay of proceedings issued by this Court would automatically be lifted and Petitioner's traverse would be due within thirty days. Petitioner indicates that the United States Supreme Court denied an appeal in *Garner* on October 5, 2009, making Petitioner's traverse due on November 4, 2009. Citing the need for recently appointed counsel to continue reviewing materials, as well as a heavy workload and strained resources stemming from counsel's involvement in litigation challenging Ohio's lethal injection process and other death penalty habeas corpus cases, Petitioner requests a sixty-day extension of time to January 4, 2010, to file his Traverse. Petitioner states that counsel for Respondent does not oppose a sixty-day extension.

For good cause shown, because Respondent does not object, and because no undue delay or inconvenience to the Court will result, Petitioner's unopposed motion for an extension of time (Doc. # 184) is **GRANTED**. Petitioner shall have until January 4, 2010 to file his Traverse.

**IT IS SO ORDERED.**

/s/ Terence P. Kemp

United States Magistrate Judge